

TOWN COUNCIL SPECIAL MEETING - MONDAY EVENING - AUGUST 16, 2010

TOWN COUNCIL PRESENT: Marshall, Cordeiro, Parella, Barboza, and Herreshoff

HISTORIC DISTRICT COMMISSION PRESENT: Oryann Lima, Chairman;
David Andreozzi, Sara Butler, Victor Cabral, Eric
Hertfelder, Anthony Margiotta, and Reginald McCarthy

ABSENT: None

ALSO PRESENT: Andrew Teitz, Esq., Assistant Town Solicitor

Documents Received:

- Linda and Robert Arruda re Historic District Commission workshop
- Historic District Commission Rules of Procedure, etc.
- Halsey C. Herreshoff re HDC

The Council met in special session for the purposes of a workshop with the members of the Historic District Commission in the Town Hall, Council Chambers, beginning at 7:07 o'clock PM, Council Chairman Marshall presiding.

Council Chairman Marshall explained that the purpose of the meeting was to discuss matters relating to the Historic District Commission with the members of the Historic District Commission.

He added that he was of the opinion that the Historic District was a valuable resource for the Town and that this opinion is supported through economic reports, Family Circle Magazine, and the National Trust's Dozen Distinctive Destinations program. He added that it is also necessary for enforcement of the Historic District otherwise it would not be "fruitful."

Council Chairman Marshall noted that it is generally Town Council policy to advertise all appointments and vacancies and that the applicants are interviewed in order for the Council to ascertain the applicants' understanding of the facts, figures, rules and regulations.

Council Chairman Marshall further noted that the Historic District Commission works with guidelines as established by the United States Secretary of the Interior.

Council Chairman Marshall added that during the past year the Historic District Commission was "singled-out" for action or inaction and that the Commission and the Council have

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implemented some changes "streamlining" the Historic District Commission process.

He explained that some of the changes implemented allow for shorter Historic District Commission meetings. He added that there were additional changes to allow for administrative approvals.

Councilman Barboza stated that he appreciates the work of the Commission and that he was in favor of a "blue ribbon committee." He further stated that there was additional room for improvement and that the Historic District Commission and Council should "take a step back" to examine the process and implement some additional improvements.

Councilman Barboza added that he was not in favor of expanding the Historic District further at this time.

Councilwoman Parella noted that the report prepared by Arnold Robinson contains further recommendations that the Council may wish to implement. She expressed concern that the Historic District Commission is operating randomly and that client treatment is questionable.

Councilwoman Parella noted that the Robinson report called for public instructional work sessions on technical issues such as window repair and painting and added that these should be fairly easy to begin with little cost.

Councilwoman Parella noted further that the Town may wish to use tax bill mainlining to provide Historic District Commission notices to property owners.

Councilwoman Parella stated that the Town should collectively embrace a "philosophical clarity" regarding the type of rehabilitation that is acceptable. She also questioned the Historic District Commission's authority regarding landscaping and added that she was unaware of the origins of this authority since it was not initially part of the Town's ordinance.

Councilman Herreshoff stated that he wrote a memorandum regarding the Historic District Commission and that he would like to know what the Historic District Commission members perceive as problems.

Council Chairman Marshall noted that the Council intends to "chip away" at the problems and has already done so and that the

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goal of the process is to develop a "concise scope of authority" for the Historic District Commission.

Council Chairman Marshall stressed that the process should remain a "two way street" and that the Commission's approach to the public is "90% of the answer."

Ms. Lima reported that 90% of the recommendations made in Arnold Robinson's report have been thus-far implemented. She noted that the Commission's plan is to start with the "small things" for the "sign-off" approvals such as roofs, driveways, simple repairs and maintenance.

Ms. Lima stated that the property owners must still fill out proper applications and that the approvals are ordinarily granted within two days by the staff assistant Susan Church or by Ms. Lima.

Ms. Lima reported that there have been twenty-three (23) "sign off" approvals granted since April and that none of these "administrative" approvals have been remanded to the Historic District Commission.

Ms. Lima further reported that the larger projects are sent to the Historic District Commission for approval. She added that in the case of a roof leak the Building Official can provide approval and the Historic District Commission ratifies this approval after-the-fact. She noted that the Building Official was sensitive to the policies of the Historic District Commission and cooperates with the Commission.

Ms. Lima also reported that the Commission has received ninety-six (96) regular applications during this year and that to-date there have been no denials. She added that there are 690 properties within the district and thirty-five (35) additional listed properties within Historic District Commission jurisdiction.

Councilman Herreshoff asked to know if the 690 includes those recently added to the District with Ms. Lima responding affirmatively.

She added that it was necessary to catalog the properties and that a new fee schedule was implemented also. She also added that the Commission assesses a \$100 fee for working without a "green sheet," and that habitual offenders will be required to appear in Municipal Court.

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Councilwoman Parella asked to know if there is a fee to appeal a decision of the Historic District Commission with the Zoning Board of Review with Assistant Solicitor Teitz responding that the fee is \$300 and that this is established by the Town Council.

Councilman Herreshoff asked to know how many appeals have been filed with the Zoning Board with Ms. Lima reporting that there has been a single appeal filed during her tenure on the Commission.

She added that there have been no denials since 2004 but there have been "a lot of negotiations" and that there is a need to look at the streetscape. She added that the County Cleaners on State Street wished to change its building and the Commission worked with the owner to preserve the unique 1940s era architecture.

Ms. Lima also added that the new Library building was designed to fit into the streetscape albeit it is a new building.

Councilman Herreshoff asked to know about the training of the Commission members with Ms. Lima responding that there was regular training when she was first a member of the Commission but that funds for this were reduced subsequently. She added that GrowSmart RI is now offering low-cost training and that she was of the opinion that the Commission members must receive training and also should be made aware of the "goings-on" in the remainder of the State.

Ms. Lima also added that the Historic District Commission uses the Secretary of the Interior standards but that other Commissions within the State prepare and use their own standards. She further explained that 90% of the Historic District Commissions in the State use the Secretary's Standards.

Councilwoman Parella stated that it was the intention of the "framers" of the ordinance that a highly-rated architectural property would be different than one which is nondescript.

Ms. Lima reported that the Commission allowed a quantity of houses on Hope Street to replace "sadly deteriorated" windows while repairing their "prominent" windows. She added that this position was a compromise.

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Ms. Lima further reported that some homeowners wish to replace windows found to be in excellent condition since their contractors convinced them to do so and not out of necessity.

Councilwoman Parella stated that some persons wish to replace windows due to energy efficiency issues with Ms. Lima responding that replacement windows are often less efficient than the originals. She added that the Historic District Commission is sensitive to this issue.

Mr. Andreozzi reported that the Commission often approves the installation of synthetic materials and that a recent applicant was encouraged to use a synthetic column base. He added that some of these materials are indistinguishable from the originals once painted and that fiberglass will outlast wooden components.

Mr. Andreozzi added that the Commission does often consider the appearance of the less significant buildings since they represent "a tooth in a smile."

Ms. Lima reported that there is a diverse set of opinions on the Commission and that there is "a lot of give and take." She added that Commissioners are encouraged to examine the buildings prior to the Commission meeting and prior to making final decisions.

Council Chairman Marshall stated that he was aware that the volunteer Commissioners "go above and beyond" and freely give of their expertise for the benefit of the Town.

Mr. Hertfelder thanked the Council for the resources of the Arnold Robinson study. He termed the study "an excellent exercise" and that he was of the opinion that more of the ideas brought forth should be implemented.

Mr. Hertfelder added that he would like to have examples of the alleged "abuse" of applicants since he has not observed same. He added that he was appreciative of the Council's willingness to help identify problems.

Councilwoman Parella expressed concern that the Historic District Commission is now a political hot-button. She added that there is a definite perception problem since most persons who signed a petition circulated by Judith Anderson live outside of the jurisdiction of the Historic District Commission and likely have not had any first-hand experience with the Commission.

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Ms. Lima reported that most property owners "do their homework" and that a small vocal minority generate most of the ill feelings. She added that most continuances are due to the lack of information which is required to be provided by the property owners.

Ms. Lima also explained that the problems of the Historic District Commission are widely known due to the prominence of the district. She added that "it is the nature of the beast."

Councilman Barboza stated that he appreciated the information provided by the Commissioners and realizes that the situation cannot be a "utopia." He added that much criticism is found in the "Speakout" column in the newspaper which is worthless.

Councilman Barboza expressed concern regarding a report that property owners were "talked-down to" and "belittled" by certain Commissioners and expressed concern that the Commission concerned itself regarding the painting of a porch ceiling.

He added that only 12 signatures on Ms. Anderson's petition were from those persons living within the jurisdiction of the Historic District Commission.

Ms. Lima speculated that the local newspaper offers a poor perception of the Historic District Commission. She added that those who signed the petition should attend a meeting to understand the workings of the Historic District Commission. Ms. Lima added that she is "up and down High Street" in order to become familiar with the issues and also that the Historic District Commission has no jurisdiction over painting.

She added that in the case of the porch ceiling, perhaps the property owner was intending to replace materials thus the need to appear before the Historic District Commission. She added that there are usually two sides to the story.

Ms. Lima also noted that she does not report on any persons who do not obtain Historic District Commission approval but that the Town Hall provides telephone numbers of Commissioners and that the Commissioners also get reports of unapproved work.

Councilman Barboza noted that he is aware that it may be impossible to please everyone and that the Council may now be dealing with "accumulated grievances."

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Councilman Barboza added that the Council and Historic District Commission must now determine how to deal with the perception problem. He added that it would be horrible if the Historic District Commission was sacrificed due to the perception problem and also that the electorate may do so if given the chance.

Mr. Margiotta stated that Ms. Lima did a good job explaining the situation. He added that he owns a 212 year old building and has been before the Historic District Commission on numerous occasions and was never treated badly. He added that he often received helpful advice by the Commission.

Council members noted the letter of Mr. Lavey who referred to the Historic District Commission as "Gestapo," and refuted same.

Councilwoman Parella stated that Mr. Margiotta was never rude to her. She added that one of the members of the Commission did insult her, however, and that this member was not appointed after an interview and that this had been an exception to the Council's normal practice.

Mr. Margiotta stated that the negative perception of the Historic District Commission is "out there" and attributed the perception problem to the negative press coverage.

Council Chairman Marshall stated that this meeting with the Historic District Commission was long overdue and that he understands Mr. Margiotta's frustration - particularly relating to the negative press.

Mr. Cabral stated that he wishes for the Town to keep the Historic District Commission and that he recently attended his first meeting as alternate member of the Commission. He added that everything was respectful and that he had personal hostility with the Commission prior to Ms. Lima becoming the Chair of the Commission.

Council Chairman Marshall noted that many major projects have been completed successfully during the Historic District Commission era and that Thames Street is much improved - greatly to the credit of the Historic District.

Councilman Herreshoff noted the letter from Robert and Linda Arruda noting that the writers attest to the desirability of the Historic District. He added that Town officials should "rise above" personal arguments.

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Councilman Herreshoff further explained that he hosts many visitors to Bristol and all are impressed by the architecture and ambiance of the Historic District. He added that this was not achieved by accident and that he credits the existence of the Town's Historic District ordinance with this success.

Councilman Herreshoff noted also that it is impossible to please everyone and that it is normal to have some disgruntled persons.

Councilman Herreshoff added that it should be the overall goal of the Historic District Commission to endeavor to "say no to people and have them leave with a smile."

Councilman Herreshoff stated that he could not embrace the idea of a "voluntary Historic District" and that the various parties should "cool" a little and examine carefully any disagreements.

Councilman Herreshoff noted that Staff Assistant Susan Church appears to be responsibly handling the administrative "sign-offs" and that the Historic District Commission maintains the authority to resume those duties if they find this to be necessary.

Councilman Herreshoff stated that the Council should recognize the good of the Historic District Commission and also be on guard for the complaints.

Ms. Lima reported that the sign-off procedure was implemented after April 1 and that this was the "first step" in the process of improving the Commission.

Councilman Herreshoff noted that this first step was a good one and suggested that the Historic District Commission may wish to republish its rules with the new policy changes as these become implemented. He also suggested that the Commission may wish to name a sub-committee on rules.

Ms. Lima stated that the rules are on the Town's website but there remains much misconception and perception problems. She noted that she was troubled as to how to disseminate information to the public at large.

Councilman Herreshoff suggested that some information might be published in the newspaper and Councilwoman Parella noted that certain forms might be changed to include some basic rules.

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A discussion ensued regarding work sessions employing experts to give advice to property owners with Ms. Lima reminding the Council that the Commission has no budget for these activities. She also stated that she is reluctant to rely upon the expertise of certain contractors lest this may be misconstrued as a Town endorsement of the contractors' services.

Councilman Cordeiro asked to know the Historic District Commission approval process concerning the repairs of fences with Ms. Lima responding that the Commission would decide issues relating to fences in front yards but side and back yard fences are to be determined by administrative "sign-off."

Ms. Lima added that there is a concern that existing wooden fences might be replaced with plastic.

Councilman Cordeiro asked to know which rules may govern the "sign-off" process with Ms. Lima noting that she may discuss the application with Susan Church and determine if the matter must be decided by the full Commission.

Councilwoman Parella asked to know if the current rules preclude someone's "weekend project" with Ms. Lima responding that often those wishing to complete a project on a weekend "go beyond common sense."

Assistant Solicitor Teitz noted that a large percentage of the Historic District Commission's problems are derived from those projects "which get out of hand."

Mr. McCarthy noted that a local property tax-abatement was part of the "white paper" as prepared by Arnold Robinson and that the Council may wish to consider providing same. He added that he was in favor of the idea of having working sessions for homeowners in order to provide tips for preservation-sensitive repairs. He also explained that the contractors are sometimes the root of the problem when they convince the homeowner to consider a less-than desirable repair or replacement.

Mr. McCarthy also suggested that contractors and/or handymen might be somehow "certified."

Councilwoman Parella explained her idea that the work sessions need not be expensive for the Town to support and also that these would be very useful for the handymen and contractors.

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Councilwoman Parella noted that the original idea for Historic District Commission applications was to have these "triggered" by building permits. She noted that landscaping and storm doors do not require building permits.

Ms. Lima stated that some homeowners will replace a storm door and at the same time remove the original frame and moldings.

Ms. Lima also explained that often homeowners are "ripped-off" by unscrupulous contractors and handymen.

Ms. Lima responded to the question regarding landscaping in that the Historic District Commission reviews only "major" and "permanent" landscaping projects and generally does not review the planting of shrubs and trees.

Council Chairman Marshall stated that Ms. Lima should speak to the Historic District Commission about the types of work sessions that it would like to sponsor and estimate the cost of these. He added that the Council would likely support a request for a modest amount of funding for this year and consider a budget appropriation in the future.

Council Chairman Marshall also stated that the Council would likely be amenable to a change to the cost structure for an appeal of a Historic District Commission decision to the Zoning Board of Review since most of these would be less complicated than perhaps the appeal of a Planning Board decision. He suggested that the Public Policy Institute at Roger Williams University might be helpful in this particular matter.

Council Chairman Marshall stated that the Council may also consider the matter of a tax credit and also that he was uncertain if the Town could "certify" contractors.

Councilwoman Parella stated that the proposed "work sessions" might be able to issue certificates to attendees.

Council Chairman Marshall added that there might be funds available in the job training fund to help educate the contractors and handymen.

Ms. Lima stated that training might be available through Growsmart RI and also Preserve RI.

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Councilman Herreshoff stated that he was of the opinion that the training was a good idea and suggested that the Historic District Commission might recommend a "pilot" program.

Ms. Lima suggested that Council members may wish to attend some Historic District Commission meetings in order to get a first-hand look at the process.

Council Chairman Marshall suggested that Ms. Lima and the members should discuss the matters brought forth this evening and return with a consensus of ways in which to move forward.

Councilwoman Parella also suggested that the Historic District Commission should focus on alternate materials and technologies and also to re-examine the idea of having a building permit initiate the Historic District Commission application.

Ms. Lima noted that the Historic District Commission was a "lightning rod" and that some persons commonly defy the Town's Zoning and Planning rules and when called to task, no one objects. She added that the Town's historic district is very compact and that when something happens, the news spreads readily.

There being no further business, upon a motion by Councilman Herreshoff, seconded by Councilman Barboza and voted unanimously, the Chairman declared this meeting to be adjourned at 9:05 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk